	Application No.	Applicant(s)
Notice of Allowability	09/443,204	FETKOVICH ET AL.
	Examiner	Art Unit	
	Matthew Heneghan	2134	

-- *The MAILING DATE of this communication appears on the cov r sh t with th corr spondence addr ss--*

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *the Appeal Brief filed 15 May 2006*.

2. ☒ The allowed claim(s) is/are *1,4,5,7-10,13,14,16,17,21-24,26-28,31,32 and 34-37*.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some*   c) ☐ None of the:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

        3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

    * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

    (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

        1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.

    (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of

        Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachm nt(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)

6. ☒ Interview Summary (PTO-413), Paper No./Mail Date *7/27/06* .

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____ .

JACQUES LOUIS-JACQUES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

DETAILED ACTION

1. Claims 1, 4, 14, 27, 28, and 31 are being amended and claims 2, 11, 19, 25, 29, and 38 are being cancelled by way of an Examiner's amendment. Claims 1, 4, 5, 7-10, 13, 14, 16, 17, 21-24, 26-28, 31, 32, and 34-37 have been examined.

Allowable Subject Matter

2. Claims 1, 4, 5, 7-10, 13, 14, 16, 17, 21-24, 26-28, 31, 32, and 34-37 are allowed.

3. The following is an examiner's statement of reasons for allowance: The closest art found, U.S. Patent No. 6,157,719 to Wasilewski et al. (cited in the Final Rejection mailed 29 December 2005) anticipated the previous independent claims as presented in Applicant's Appeal Brief, filed 15 May 2006, Claims Appendix (see Wasilewski, columns 6, 7, 9, and 35); however, it did not show at least two parameters from the group that has now been added to each independent claim. Wasilewski, for example, clearly shows an encryption key parameter, but the other parameter (e.g. an odd/even selection or a signature) is not for an encryption granularity, an encryption density scale, an encryption delay, an encryption update variable, or an encryption key update data trigger. No art could be found that would suggest the sending of any of these particular second parameters in the same data flow as the encryption key in such a context.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on

Statement of Reasons for Allowance."

Response to Arguments

4.   Applicant's arguments, see Appeal Brief, filed 15 May 2006, with respect to the

rejections under 35 U.S.C. 103 of all the claims have been fully considered and are

persuasive. The rejections of all claims has been withdrawn, and no further rejections

are being made in view of the Examiner's amendment.

Conclusion

5.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Matthew E. Heneghan, whose telephone number is

(571) 272-3834. The examiner can normally be reached on Monday-Friday from 8:30

AM - 4:30 PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jacques Louis-Jacques, can be reached at (571) 272-6962.

Any response to this action should be mailed to:
Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450
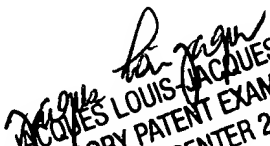**Or faxed to:**
(571) 273-3800

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MEH

August 4, 2006

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes

and/or additions be unacceptable to applicant, an amendment may be filed as provided

by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be

submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview

with Attorney Kevin P. Radigan on 27 July 2006.

Claims 1, 14, 27, and 28 are amended as follows:

1. A method for protecting a stream of data to be transferred between an

encryption unit and a decryption unit, said method comprising:

encrypting the stream of data at said encryption unit for transferring of said

encrypted stream of data from said encryption unit to said decryption unit;

dynamically varying said encrypting of said stream of data at said encryption unit

over multiple portions of the stream of data by dynamically changing multiple encryption

parameters employed for each portion of the stream of data and signaling said dynamic

change in encryption parameters to said decryption unit, said dynamically varying of

said multiple encryption parameters employed for each portion of the stream of data

being responsive to occurrence of a predefined condition in said stream of data;

wherein said multiple encryption parameters comprise at least two of an

encryption key, an encryption granularity, an encryption density scale, an encryption

density, an encryption delay, an encryption key update variable, and an encryption key

update data trigger; and

decrypting said encrypted data at the decryption unit, said decrypting accounting

for said dynamic varying of said encrypting by said encryption unit using said

dynamically changed, multiple encryption parameters.

14. A system for protecting a stream of data comprising:

an encryption unit and a decryption unit, the encryption unit encrypting the

stream of data for transfer to the decryption unit;

means for dynamically varying said encrypting of said stream of data by said

encryption unit over multiple portions of the stream of data by dynamically changing

multiple encryption parameters employed by each portion of the stream of data and

signaling said dynamic change in encryption parameters employed by each portion of

the stream of data to said decryption unit, said means for dynamically varying being

responsive to occurrence of a predefined condition in said stream of data;

wherein said multiple encryption parameters comprise at least two of an

encryption key, an encryption granularity, an encryption density scale, an encryption

density, an encryption delay, an encryption key update variable, and an encryption key

update data trigger; and

wherein said decryption unit decrypts said·encrypted data, said decrypting

accounting for said dynamic varying of said encrypting by said encryption unit using

said dynamically changed, multiple encryption parameters.

27. A system for protecting a stream of data to be transferred between a sender
and a receiver, said system comprising:

an encryption unit disposed at said sender for encrypting the stream of data prior
to transfer to said receiver, said encryption unit being adapted to dynamically vary
encrypting of the stream of data over multiple portions of the stream of data by
dynamically changing multiple encryption parameters employed for each portion of the
stream of data based on an occurrence of a predefined condition in said data stream
and signaling said change in encryption parameters employed for each portion of the
stream of data to said receiver;

wherein said multiple encryption parameters comprise at least two of an
encryption key, an encryption granularity, an encryption density scale, an encryption
density, an encryption delay, an encryption key update variable, and an encryption key
update data trigger; and

a decryption unit disposed at said receiver for decrypting said encrypted data,
said decryption unit being adapted to receive said changed encryption parameters to
account for said dynamic varying of said encrypting by said encryption unit using said
changed encryption parameters.

28. At least one program storage device readable by a machine, tangibly
embodying at least one program of instructions executable by the machine to perform a

method for protecting a stream of data to be transferred between an encryption unit and

a decryption unit, comprising;

encrypting the stream of data at said encryption unit for transfer thereof to said

decryption unit;

dynamically varying said encrypting of said stream of data at said encryption unit

over multiple portions of the stream of data by dynamically changing multiple encryption

parameters employed for each portion of the stream of data and signaling said change

in encryption parameters to said decryption unit, wherein said dynamically varying of

said multiple encryption parameters employed for each portion of the stream of data is

responsive to occurrence of a predefined condition in said stream of data;

wherein said multiple encryption parameters comprise at least two of an

encryption key, an encryption granularity, an encryption density scale, an encryption

density, an encryption delay, an encryption key update variable, and an encryption key

update data trigger; and

decrypting said encrypted data at the decryption unit, said decrypting accounting

for said dynamic varying of said encrypting by said encryption unit using said

dynamically changed, multiple encryption parameters.

Claims 4 and 31 are amended to be dependent on claims 1 and 28, respectively.

Claims 2, 11, 19, 25, 29, and 38 are cancelled.

8/4/06